

REMARKS

As a preliminary matter, claims 1-3 stand objected to for informalities. Specifically, the Examiner correctly cites to a typographical error that was inadvertently included once in each of claims 1 and 2, and to an inadvertent grammatical redundancy in claim 1. Accordingly, Applicants have amended claims 1 and 2 to correct for all of these formality errors, and respectfully request reconsideration and withdrawal of the outstanding objections in light of these amendments.

Claims 1 and 3-5 again stand rejected under 35 U.S.C. 102(b) as being anticipated by Takase et al. (U.S. 5,042,027), and claim 2 again stands rejected under 35 U.S.C. 103(a) as being unpatentable over Takase in view of Smith (U.S. 5,835,724). Because both of these rejections are the same as those asserted in the previous Office Action (Paper No. 20040624), Applicants maintain and incorporate by reference herein those arguments previously advanced in Amendment A, filed October 22, 2004, and respectfully traverse these rejections for at least the reasons of record. Applicants respectfully request that the Examiner reconsider those arguments, and withdraw the rejections. Additionally, Applicants further request that the Examiner consider the following new arguments that address the Examiner's "Response to Arguments" in the outstanding Office Action (Paper No. 20050510).

The Examiner's cursory response to the significant meritorious arguments in Amendment A does not address the substance of Applicants' arguments. The Examiner has the burden to first answer the substance of such arguments before repeating the same

rejections. See Section 707.07(f) of the MPEP. The Examiner's assertions that Applicants' arguments "center around the contention that the Takase reference does not teach reconnecting after the connection 'has been abnormally cut off'" fails to properly consider the five pages of meritorious arguments previously presented.

Applicants never argued the mere point that Takase fails to teach reconnecting after a connection has been abnormally cut off. In fact, Applicants have actually argued that Takase fails to teach or suggest a device or method that focuses on the specific problem faced when a connection has been abnormally cut off and includes all of the features and limitations of the present invention that address this specific problem. Applicants note for the record that the Examiner has not answered the points raised by Applicants dealing with such specific features and limitations of the present invention that are not taught or suggested by Takase.

For example, Applicants specifically argued that Takase fails to teach a transmission unit configured to transmit reply information corresponding to the connection when the transmission unit determines that the connection has been abnormally cut off. Therefore, even if the Examiner were somehow correct that Takase teaches reconnecting an abnormally cut off connection (which Applicants still do not concede), the Examiner has still failed to meet his burden to demonstrate where in the prior art is taught each and every feature and limitation of the present invention, including at least these recited features relating to how the transmission unit functions in accordance with an abnormally cut off

connection. Independent claims 1 and 4-5 of the present Application thus recite significantly more than the mere reconnection of an abnormally cut off connection.

With regard to the abnormal cut off features of the present invention, however, Takase does not even teach the features that the Examiner asserts. Without addressing the merits of Applicants' previous arguments, the Examiner merely repeats (as his entire Response) that col. 10, lines 8-25 of Takase somehow do teach such features, and then adds a new comment that such features are also taught in col. 3, lines 56-64 of Takase as well. Neither cited portion of from Takase, however, teaches what the Examiner here asserts.

For example, the Examiner asserts that the col. 10 portion of Takase teaches "the storing of connection information *in order to restore a connection.*" (Emphasis added). Contrary to the Examiner's assertion though, Takase actually teaches that the database storage unit 35 stores "communication service related information...*each time a request for communication service occurs.*" (Col. 10, lines 12-16, emphasis added). Nothing in this text portion from Takase teaches or suggests anything about dealing with an abnormal cut off of a connection. This text portion generally discusses only a normal "request for communication service" (lines 8-9, 15-16), and "a new request for communication service" (line 24). Abnormally cut off connections are not even mentioned. Because the Examiner has not cited to any specific teaching within this text portion to support his assertions, it is inappropriate for the Examiner merely to repeat the citation. Because the cited text fails to support his assertions, however, the Examiner should withdraw the rejection for at least these reasons as well.

A similar problem occurs with the Examiner's reliance on col. 3 of Takase. The cited portion of text from col. 3 of Takase does not teach or suggest a data communication device and method that actually deal with the situation where a connection has been abnormally cut off, such as in the present invention. The portion cited from col. 3 merely describes an objective of Takase to establish performance of communication links and a network. This portion does not mention anything regarding the abnormal cutoff of a connection. Takase merely describes that "the communication performances of links is *predicted* from the information such as the transmission error rate which is monitored, and used for the routing to assure a predetermined communication performance." (Col., 3, lines 59-63). Col. 3 hardly addresses each and every recited feature and limitation of the independent claims of the present invention.

First, Takase does not teach to monitor the connection itself, but only its transmission error rate. Second, monitoring of the transmission rate alone fails to address the specific situation of restoring a connection that has been abnormally cut off. In fact, contrary to the Examiner's assertions, the col. 3 portion of Takase does not even mention any restoration of a cut off connection. Accordingly, for at least these reasons as well, the Examiner should withdraw the outstanding rejections.

Applicants further note for the record that the Examiner has not even attempted to respond to the arguments presented by Applicants that specifically traversed the rejection of dependent claim 3. Because the Examiner has not even attempted to answer Applicants' traversal of claim 3 itself, the Examiner should be required to either withdraw the

outstanding rejection of claim 3, or vacate the entire outstanding Office Action as being nonresponsive. Irrespective of which course of action the Examiner chooses, claim 3 should still be allowable irrespective of its dependency from independent claim 1, because nothing in the Takase reference teaches or suggests anything relating to identification information being included in the reply information.

Similarly, with respect to dependent claim 2, the Examiner has not even attempted to address any of Applicants' previous arguments directed toward how claim 2 of the present invention is not obvious from the Examiner's proposed combination under Section 103. Section 103 rejections place an initial requirement on the Examiner to cite to where in the prior art is taught each and every feature and limitation of the claimed invention (see Section 2143.03 of the MPEP), but then also the additional requirement to show, without the benefit of the present Application, where in the prior art is taught or suggested the motivation to combine the cited references. In the present case, however, the Examiner has satisfied neither requirement. Moreover, the Examiner has failed to rebut any of Applicants' arguments directed toward how even the proposed combination fails to realize the clear advantages of the present invention in specifically dealing with connections that have been abnormally cut off.

The amendments made to claims 1 and 2 herein address formality issues only, and are unrelated to any substantive rejection of the claims. Accordingly, such amendments raise no new issues requiring further search or consideration by the Examiner, and are therefore entirely appropriate and necessary for entry even after final rejection.

For all of the foregoing reasons, Applicants submit that this Application, including claims 1-5, is in condition for allowance, which is respectfully requested. The Examiner is invited to contact the undersigned attorney if an interview would expedite prosecution.

Respectfully submitted,

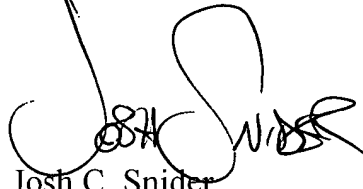
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